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SUBJECT: LOOKING PAST THE DARFUR PEACE AGREEMENT AND
NUANCING OUR LANGUAGE

Classified By: CDA Alberto M. Fernandez, Reason: Section 1.4 (b) and (d)
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¶1. (C) SUMMARY: The 2006 Darfur Peace Agreement (DPA) has not lived up to its expectations by a long shot. Despite the latest 11th hour push to implement the agreement, the DPA is so far behind schedule that it may be impossible to revive fully. The DPA has not brought security to Darfur, leading non-signatory rebels continue to reject it, and the DPA even appears to have weakened its sole signatory, the Sudan Liberation Movement of Minni Minnawi (SLM/MM). As a new round of negotiations appears on the horizon, now is the time for the U.S. to re-evaluate the DPA, nuance our language about it, and prepare all parties for the next phase of the Darfur peace process. END SUMMARY.

WHY NOW IS THE TIME TO LOOK PAST THE DPA:

¶2. (C) THE DPA AND SLM/MM HAVE NOT BROUGHT SECURITY TO DARFUR: Although the levels of violence and bloodshed have gradually decreased since 2005, Darfur remains an insecure, volatile, and dangerous region. As reported throughout 2008 (e.g. Khartoum 1112) insecurity in Darfur was worse in 2008 than it was in 2007, with much of the violence caused by criminal gangs, ill-disciplined militias or rebel factions. Sadly, the UN and NGOs have both named the sole signatory of the agreement, SLM/MM, as one of the main perpetrators of hijacking and banditry in the region (Khartoum 1438).

¶3. (C) LIPSERVICE TO THE DPA LEADS SLM/MM ON: Limited USG support for SLM/MM gives the appearance of DPA implementation while SLM/MM officials neglect more pressing issues and lose greater perspective. Minnawi has told U.S. officials many times that he expected more from his early 2008 visit to Washington, and that he would have left for the field earlier had he not been expecting more to come out of this trip. As reported in January 2008 (Khartoum 101) Minnawi expected to receive tangible support for the Darfur Reconstruction and Development Fund, his military structure, and the Transitional Darfur Regional Authority. By all accounts, Minnawi's military structure has weakened, the DRDF has not been funded, and the TDRA remains in disarray. Some of SLM/MM's most competent leaders fixate on small-scale capacity building and party programs, while neglecting the larger scope of DPA. Meanwhile, the Government of Sudan continues to neglect the DPA.

¶4. (C) DPA IS TOO VAGUE AND TOO FAR BEHIND SCHEDULE: The DPA appears to be so far behind schedule, that its sequencing, timelines, and expected points of coordination

with the Comprehensive Peace Agreement have become irrelevant. Even where timelines are not pertinent, the DPA lacks both specificity and the necessary institutions for monitoring its implementation. The DPA's Chapter Six "Implementation Modalities and Timelines" serves as one example for how little has been accomplished. For example, sixty-five days after the signing of the DPA, janjaweed and other militias were supposed to be neutralized, and 159 days later they should have been disarmed and verified as such by the Ceasefire Commission. Over two years later, Arab militia and janjaweed still operate freely throughout Darfur, with a large percentage of them now formally integrated into official Government security structures, while others control large areas of land and highways in Darfur. In other areas, the modalities are so broad (e.g. "assist Darfur to develop and implement an advanced and comprehensive program for capacity building") that portions of the document appear irrelevant.

¶5. (C) SLM/MM'S CAPACITY IS LOW: SLM/MM has few capable negotiators, political leaders, and bureaucrats. SLM/MM representatives have even quietly admitted that the GoS does not deserve all the blame for the lack of DPA implementation.

Even when the GoS has shown a relatively sincere desire to implement the agreement, SLM/MM has not been able to respond to GoS requests for information, potential candidates for jobs, lists of development projects, etc. Minnawi's presence in remote North Darfur for much of 2008 has exacerbated this, but even when Minnawi has been in Khartoum his poor health, indecisiveness, and inability to delegate and fully manage his movement have hampered DPA implementation. Recent meetings with SLM/MM representatives following the September

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19 agreement between Minnawi and Vice President Taha have revealed how little capacity SLM/MM actually has. Going step by step through the NCP-SLM/MM matrix shows that most SLM representatives do not understand even how to begin implementing the DPA. As was reported throughout 2008 (e.g. Khartoum 1661), the various commissions in the Transitional Regional Darfur Authority (led by SLM/MM with limited representation from the declaration of commitment groups) continue to compete for funding, have overlapping mission statements, and have been all too prone to corruption, greed, and waste. TDRA commissioners recently told Post that they actually prefer to see their own institutions bypassed should President Bashir fulfill his SPI promises of compensation and development for Darfur.

¶6. (C) ALMOST EVERYONE ELSE HAS MOVED PAST THE DPA: The U.S. is one of the few members of the international community to still make reference the DPA. Most Sudan and Darfur experts and observers have already moved past the DPA. For example, the following statements were all made in the last year:

- International Crisis Group Report from November 2007: "The May 2006 Darfur Peace Agreement (DPA) is a failure, too limited in scope and signatories. Those who signed - the government and a few rebel factions - have hurt the peace process."

- Alex De Waal, Sudan Expert: "Failing to address justice and accountability in the Abuja talks was an error... which has come back to haunt the prospects for peace in Darfur and Sudan." ("Making Sense of Darfur," June 25, 2008.)

- John Prendergast, Enough: "The DPA didn't address the fundamental issues in Darfur. The DPA was a deeply, deeply, flawed document that didn't deal with the dismantling of the Janjaweed structures, didn't adequately address the core demand of Darfurians... and there was inadequate power sharing and wealth-sharing terms." (Interview, Sudan Tribune, November 2008).

Sudanese politicians and political analysts have also started

to look past the DPA. In June of this year, Sadig Al-Mahdi, Chairman of the Umma Party, wrote that "the DPA was essentially born dead and since its signature, matters in Darfur turned to worse. Its only achievement was paving the way for UNAMID." TDRA officials recently stated that the reception of the Sudan People's Initiative proved that the DPA is no longer the basis for any future negotiation. Even core SLM/MM members such as Muhammad Tijani (Head of SLM/MM's DPA Implementation committee) have also told us that hoping for the DPA's resurrection may be unrealistic, but "it is the only thing we can do - there is no other option" (Khartoum 1500).

17. (C) DPA HAS WEAKENED SLM/MM: Once widely regarded as one of the strongest forces on the ground in Darfur, SLM/MM has suffered both politically and militarily since the signing of the DPA. On the military side, SLM/MM has lost commanders and men to better equipped and supported movements such as JEM. SLM/MM struggles to feed and equip its troops, and SLM/MM fighters have reported that they are not paid, provided with adequate food and housing, and that many within their ranks would rather return to the fight or join rival movements than sit idle in SLM/MM camps (Khartoum 1545.) On the political side, SLA/MM has not been fully involved or supportive of political transformation within Sudan. Within the last year, SLM/MM rejected the census, questioned the timing of elections, and was unable to forge strategic alliances with the SPLM and other opposition political parties. (For example, following the Kalma camp massacre (Khartoum 1303) in August 2008, SLM/MM did not follow the SPLM in freezing its participation in the three state governments in Darfur. Although Minnawi pledged to take a stand on Kalma should the SPLM move first, Minnawi later backtracked saying his movement was too weak to withdraw from the state governments.) Although SLM/MM has attempted to counter the NCP's strategy of divide and conquer, its re-organization of the movement comes too little and too late. The National Congress Party has successfully infiltrated and divided much of SLM/MM. Throughout most of 2007 and 2008, SLM/MM contacts, including Minnawi himself, stated that since signing the DPA he has become isolated and "left with nothing to do," and that the DPA has been "very

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expensive for the movement as a whole." (Khartoum 290, 816). As one INR report written over one year ago notes, "since signing the DPA Minnawi has seen his status fall from champion of peace and commander of the largest, most powerful rebel army to scapegoat leader of ragtag groups of fighters barely holding two towns in Darfur - one his home town. Minnawi's dwindling forces have been reduced to banditry to feed themselves. He enjoys precious little support even among his clansmen, the Tuer Zaghawa." (INR REPORT 11/15/2007).

18. (C) "THE DPA PROVES U.S. BIAS FOR THE ZAGHAWA:" Many different contacts have told us with increasing frequency that the majority of Darfuris view U.S. support for the DPA as preference for the Zaghawa tribe (e.g. Khartoum 1586). According to these contacts, official SLM/MM visits to the U.S. dominated by the Zaghawa, the growing exclusion of non-Zaghawa in SLM/MM, and increased contact between DPA signatories and active rebel movements along ethnic lines (e.g. June 2008 meeting between JEM's Khalil Ibrahim and Minni Minnawi, both from the Zaghawa tribe) all show a conscious decision by the U.S. to support Zaghawa dominance in the region. Most recently, some non-Zaghawa within the TDRA have even gone so far as to say that they do not support funding the DRDF, as the money would only end up in Chad and be perceived by Darfuris as supporting the Zaghawa tribe. Although we have quickly and strongly rejected such claims, these allegations persist and show the long-standing grievances of some tribes against the fierce, aggressive, and traditional raiding tribe of the Zaghawa.

RECOMMENDED ACTIONS

¶9. (C) PREPARE SLM/MM FOR THE NEXT PHASE: While we admire Minnawi's effort to bring non-signatories into the DPA, we recognize that neither the DPA nor SLM/MM alone will bring lasting peace to Darfur. Now, in the period leading up to negotiations, is the time for a frank discussion with Minnawi to discuss what he personally wants out of a future deal. Leaders of the peace process and especially the U.S. (given its historically close relationship with Minnawi) should openly discuss what areas of the DPA are non-negotiable for Minnawi and what elements could be superseded by other arrangements. Minnawi and his SLM/MM leadership need to hear from U.S. officials that the DPA has not done justice to either SLM/MM or the people of Darfur, that there is life after the DPA for SLM/MM after the DPA, and that Minnawi and his movement may actually thrive in the next phase of the peace process. Going into negotiations, the U.S. and the Chief Mediator should seek clarity about what post(s) Minnawi would accept. For example, UN-AU Joint Mediation Support Team members recently told us that they had received reporting indicating that Minnawi would be content with a senior military position and hand over senior political positions (e.g. the Vice Presidency) to rival rebel leaders. (Note: This information has not been verified, but could be a point of inquiry with SLM/MM contacts. End Note.) U.S. officials should reassure Minnawi that we recognize and respect the leadership of SLM/MM in being the first to enter into a peace agreement in Darfur, and that this should be translated into his special status at discussions. Likewise, the U.S. should encourage the UN/AU's Chief Mediator and JMST to spend equal time courting Minni Minnawi and encouraging his direct and independent participation in future negotiations.

¶10. (C) FOCUS ON THE FUR: The Fur tribe constitutes the largest ethnic group in Darfur, the majority of Darfur's IDPs, and the single ethnic group most affected by the war. Although SLM/MM does have a few Fur leaders in its ranks, almost all of the Fur have felt neglected by the Darfur Peace Agreement and the overall peace process. Self-proclaimed representative of the Fur, Abdul Wahid Al-Nur, makes lofty (if not altogether realistic) promises to the Fur, suppresses rival leaders, and has not yet made a positive contribution to peace in Darfur. In looking past the DPA, the U.S. should reach out to a wide range of Fur leaders to acknowledge that: 1) the Fur have been greatly affected by the Darfur crisis; 2) the U.S. stands with all the people of Darfur, regardless of ethnic orientation; 3) the Fur are not solely represented by one rebel leader in exile; and 4) a diversity of Fur leaders should be included in the peace process; 5) the U.S. is looking forward to a post-DPA period where the Fur will be

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fully included in bringing peace, development and prosperity to Darfur. While the focus of this outreach should be to the Fur tribe, the U.S. should also signal to non-signatory rebel groups and all of Darfur's diverse tribes (including the much maligned and misunderstood Arab tribes) that the U.S. is beginning to look at the next phase for Darfur and to develop broader relations with all the people of Darfur.

¶11. (C) STUDY STRENGTHS AND WEAKNESSES OF DPA IN PREPARATION OF FUTURE NEGOTIATIONS: As noted above, the DPA is a broad and vague agreement with little international oversight. The U.S. should use this interim period before negotiations to study the DPA's strengths and weaknesses, its correspondence with the Comprehensive Peace Agreement, and what elements of the agreement should be carried over to a future agreement.

¶12. (C) NUANCE OUR LANGUAGE: Perhaps most importantly, as the peace process moves to a new phase, the U.S. should carefully review its public language about the DPA. U.S. policy makers should move away from dated talking points calling for "the full implementation of the DPA," "the DPA as

a foundation for future negotiations," or the "historically close relationship between SLM/MM and the U.S." We should make reference to "the leadership of SLM/MM in being the first to sign a peace agreement for Darfur," "SLM/MM's special status in future negotiations," and the "need for a more inclusive, sustainable, and comprehensive peace agreement for all of Darfur." This slight shift in language will help signal to the GoS, to non-signatory rebels, and to SLM/MM that the U.S. is looking forward to the next phase of the peace process.

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FINAL THOUGHTS
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¶13. (C) Reviewing U.S. policy about the DPA, our relationship with SLM/MM, and our overall language about the Darfur peace process is important at this critical juncture in Sudanese history and U.S.-Sudanese relations. This represents less of a shift in policy and more of a conscious and pragmatic recognition of what has already happened. It should not be seen as a betrayal of Minnawi, who deserves respect and special consideration, but rather a recognition that substantive progress towards peace in Darfur requires a more holistic approach, across ethnic and organizational lines.

FERNANDEZ